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SUBJECT: GUIDANCE FOR DECEMBER 19 UNSC RESOLUTION ON BINUB

11. This is an action message. USUN is authorized to join consensus on the UN Resolution on BINUB in para 2 below.

12. (U) Begin resolution text:

The Security Council,

(1) Recalling its resolutions and the statements of its President on Burundi, in particular resolutions 1719

(2006) and 1791 (2007),

(2) Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Burundi,

(3) Welcoming the Declaration of the Summit of the Heads of State and Government of the Great Lakes Region on the Burundi Peace Process, which took place in Bujumbura on 4 December 2008 and the agreements reached between the Government of Burundi and the Palipehutu-FNL,

(4) Paying tribute to the Regional Peace Initiative, the South African Facilitation, the African Union and the Political Directorate for their sustained engagement in support of Burundi's peace consolidation efforts, to promote the full implementation of the Comprehensive Ceasefire Agreement signed on 7 September 2006 in Dar-es-Salaam between the Government of Burundi and the Palipehutu-FNL,

(5) Taking note of the progress achieved by Burundi in key peace consolidation areas, as well as the remaining challenges, in particular implementing the Comprehensive Ceasefire agreement with the Forces Nationales de Liberation (Palipehutu-FNL), consolidating democratically-elected institutions, strengthening good governance, completing the disarmament, demobilization and reintegration process, and taking forward the reform of the security sector, including ensuring that the security forces and justice institutions effectively protect human rights and the rule of law,

(6) Welcoming the establishment of the Permanent National Independent Electoral Commission, recalling the need for nominations of its members to be through an independent and inclusive process and recalling the importance that the elections scheduled in 2010 are prepared in the spirit of reconciliation and dialogue enshrined in the Burundian Constitution that had led to a successful transition,

(7) Emphasizing the need for the United Nations system and the international community to maintain their support for peace consolidation and long-term development in Burundi, welcoming the continued engagement of the Peacebuilding Commission on Burundi and the recent visit of the delegation led by the Chair of the Commission's Burundi configuration and taking note of the June 2008 bi-annual review of progress in the implementation of the Strategic Framework for Peacebuilding in Burundi and of the briefing of the Chairman of the Burundi configuration of the Peacebuilding Commission on 11 December 2008,

(8) Recognizing the importance of transitional justice in promoting lasting reconciliation among all the people of Burundi and welcoming progress in the preparations for national consultations on the establishment of transitional justice mechanisms, including through the establishment of a Technical Follow-up Committee and a

forum of civil society representatives,

(9) Noting with concern the continuing human rights violations and restrictions on civil liberties, including arrests of members of the political opposition and representatives of civil society, the media and trade unions and welcoming the decision of the Government to rescind its order to regulate meetings and demonstrations of political parties and associations,

(10) Welcoming the Burundian authorities' efforts to fight impunity, in particular the trial and conviction of some of the perpetrators of the Muyinga massacre,

(11) Recalling its resolution 1325 (2000) and 1820 (2008) on women, peace and security, its resolution 1674 (2006) on the protection of civilians in armed conflicts and its resolution 1612 (2005) on children in armed conflict,

(12) Having considered the fourth report (S/2008/745) of the Secretary-General on the United Nations Integrated Office in Burundi (BINUB),

¶1. Decides to extend until 31 December 2009 the mandate of BINUB, as set out in resolutions 1719 (2006) and renewed in its resolution 1791 (2007) ;

¶2. Urges the Government of Burundi and the Palipehutu-FNL to make every effort to implement, before 31 December 2008, the agreements they reached on 4 December 2008 so as to bring this last phase of the peace process to a successful conclusion and calls on both parties to desist from any action that may create tension or bring about the resumption of hostilities and to resolve outstanding issues through dialogue and in a spirit of cooperation ;

¶3. Calls on the Palipehutu-FNL to work with the Government, the Joint Verification and Monitoring Mechanism and all international partners in order to encourage all its combatants to move without conditionalities to assembly areas and to fully implement the disarmament, demobilization and reinsertion process ;

¶4. Encourages the Regional Initiative leaders, the African Union, the South African Facilitation, the Political Directorate and other international partners to sustain their efforts in order to assist the parties in the implementation of the 4 December Declaration and to remain actively engaged on the ground to monitor the process and to ensure its sustainability ;

¶5. Reiterates its request for the Secretary-General, including through BINUB, to play a robust political role in support of all facets of the peace process, in full coordination with subregional, regional and international partners ;

¶6. Encourages the Government of Burundi to take the necessary measures to create an environment conducive to the holding of free, fair and peaceful elections in 2010 and welcomes the United Nations readiness to assist in the process ;

¶7. Requests the Executive Representative of the Secretary-General to facilitate and promote dialogue among national and international stakeholders, in particular in the context of the upcoming elections, while continuing to support their efforts to sustain peace and stability ;

¶8. Encourages the Government of Burundi to pursue its efforts regarding peace consolidation challenges, in particular democratic governance, justice, security reforms and protection of human rights ;

¶9. Encourages the Government of Burundi, the Peacebuilding Commission, and its national and international partners to honour the commitments they have made under the Strategic Framework for Peacebuilding and requests the Peacebuilding Commission, with support from BINUB and the United Nations Country team, to continue to assist the Government of Burundi in laying the foundations for sustainable peace and security and long-term development in Burundi and in mobilizing the resources needed to achieve these aims, including for the coming elections ;

¶10. Underscores the importance of the disarmament, demobilization and reintegration process and urges all international partners, in particular BINUB and UNDP and the World Bank, to ensure that there are no gaps in resources and capacities during the interim period between

the Multi-country Demobilization and Reintegration Programme and the establishment of the Burundi-specific trust fund mechanism ;

¶11. Encourages in this regard the Government of Burundi, in collaboration with all international partners, to elaborate a disarmament, demobilization and reintegration strategy and to lay the foundations for the sustainable socio-economic re-integration of demobilized soldiers, ex-combatants, returning refugees, the displaced and other vulnerable groups affected by the conflict, particularly women and children, in accordance with Security Council resolutions 1325 (2000) 1612 (2005), 1674 (2006) and 1820 (2008) ;

¶12. Encourages the Government of Burundi, with the support of BINUB and other partners, to ensure that national consultations on the establishment of transitional justice mechanisms are begun as soon as possible, without further delay ;

¶13. Encourages the Government of Burundi to pursue its efforts to broaden the respect and protection of human rights, including through the establishment of an National Independent Human Rights Commission, bearing in mind the Paris Principles outlines in General Assembly resolution 48/134 and further encourages it to end impunity and to take the necessary measures to ensure its citizens fully enjoy their civil, political, social, economic, cultural rights without fear or intimidation, as enshrined in the Constitution of Burundi and provided for in by international human rights instruments, including those ratified by Burundi ;

¶14. Expresses in particular its concern at the continuing sexual and gender-based violence, and urges the Government to take the necessary steps, including through specific legislation to prevent further violations and to ensure that those responsible are brought to justice, in accordance with international law ;

¶15. Demands that the Palipehutu-FNL and other armed groups release unconditionally and without further delay all children associated with them and emphasizes the need for their sustainable reintegration and reinsertion ;

¶16. Urges BINUB to strengthen current provisions for cooperation with the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC), within the limits of their respective capacities and current mandate ;

¶17. Encourages the Executive Representative of the Secretary-General to pursue his action to enhance the integration and effectiveness of United Nations efforts on the ground in support of the implementation of the Strategic framework for Peacebuilding in Burundi and of the recovery and development priorities of the Government and people of Burundi ;

¶18. Requests the Secretary-General to report by May 2009 to the Council on the implementation of the mandate of BINUB, including on the results of the technical assessment mission he intends to conduct early in 2009 and to incorporate in his report any recommendations that may guide the Security Council in deciding on the future direction of BINUB ;

¶19. Decides to remain actively seized of the matter.

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